

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00134-DII

JURY TRIAL DEMANDED

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00136-DII

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JOINT STATUS REPORT

Plaintiff Netlist, Inc. (“Plaintiff”) and Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Defendants”) hereby submit the following joint status report regarding pending *inter partes* review proceedings relating to the Patent-in-Suit for this lawsuit:

I. U.S. PATENT NO. 8,301,833 (PTAB CASE NO. IPR2022-00418)
(FINAL WRITTEN DECISION ISSUED)

- On January 14, 2022, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,301,833.
- On September 1, 2022, the Board granted the Petition and trial was instituted.

- On November 25, 2023, Plaintiff submitted its Patent Owner’s Response.
- On February 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On March 31, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On June 7, 2023, an Oral Argument for the proceeding was held.
- On August 28, 2023, the Board issued its Final Written Decision finding challenged claims 1, 3-17, and 19-30 invalid.

Further, as a courtesy to the Court, the parties hereby submit status updates regarding other IPR proceedings challenging patents that Netlist is asserting against Micron in the Western District of Texas in the above captioned cases:

II. U.S. PATENT NO. 9,824,035 (PTAB CASE NO. IPR2022-00236)

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,824,035.
- On July 19, 2022, the Board granted the Petition and trial was instituted.
- On October 11, 2022, Plaintiff submitted its Patent Owner’s Response.
- On January 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On February 28, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On April 19, 2023, an Oral Argument for the proceeding commenced.
- On June 20, 2023, the Board issued its Final Written Decision affirming validity of claims 2, 6, and 22, and finding claims 1, 10-13, and 21 invalid.
- On July 20, 2023, Defendants filed a request for rehearing and on August 16, 2023, the Board granted the request and found claim 22 invalid. Following the rehearing, the validity of claims 2 and 6 was confirmed, and claims 1, 10-13, 21, and 22 were held invalid.

III. U.S. PATENT NO. 10,268,608

A. DEFENDANTS’ IPR (PTAB CASE NO. IPR2022-00237)

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.

- On July 19, 2022, the Board denied the Petition, and no trial was instituted.
- On August 12, 2022, the Defendants filed a request for rehearing and on September 16, 2022, the Board denied the request.

B. SAMSUNG’S IPR (PTAB CASE NO. IPR2023-00847)

- On April 27, 2023, Samsung Electronics Co., Ltd. filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- It is anticipated that the Board will issue its decision whether to institute proceedings by December 14, 2023.

IV. U.S. PATENT NO. 10,489,314 (PTAB CASE NOS. IPR2022-00744 AND IPR2022-00745)

- On March 30, 2022, Defendants filed two Petitions for *Inter Partes* Review of U.S. Patent No. 10,489,314.
- On November 1, 2022, the Board granted the Petitions and trial was instituted.
- On February 7, 2023, Plaintiff submitted its Patent Owner’s Response.
- On May 5, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On June 16, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On August 15, 2023, an Oral Argument for the proceedings was held.
- As of the filing of this Joint Status Report, the Board has not issued a Final Written Decision.

Dated: October 10, 2023

/s/ Rex Hwang

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this the 10th day of October, 2023.

/s/ Rex Hwang